

THE STATE OF TEXAS

ROADS: RIGHT-OF-WAY
CONDEMNATION PROCEEDINGS - CR81
PUBLIC SERVICES & OPERATIONS

COUNTY OF COLLIN

On **August 27, 2001**, the Commissioners Court of Collin County, Texas, met in **regular session** with the following members present and participating, to wit:

Ron Harris
Phyllis Cole
Jerry Hoagland
Joe Jaynes
Jack Hatchell

County Judge, Presiding
Commissioner, Precinct 1
Commissioner, Precinct 2
Commissioner, Precinct 3
Commissioner, Precinct 4

During such session the court considered a request for approval to proceed with Condemnation Proceedings for parcels #2, 3 and 4 on CR48 and parcels #9 and 12 on CR81 (1999 Bond Project #99-122a).

Thereupon, a motion was made, seconded and carried with a majority vote of the court to approve to proceed with Condemnation Proceedings for parcels #9 and 12 on CR81 (1999 Bond Project #99-122a), with the court holding the proceedings on parcels #2, 3 and 4 on CR48. Same is hereby approved in accordance with the attached documentation.


Ron Harris, County Judge



Phyllis Cole, Commissioner, Pct. 1

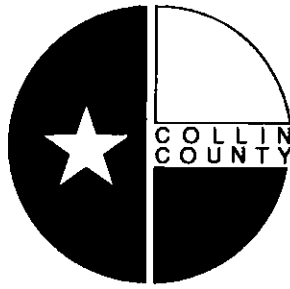

Jerry Hoagland, Commissioner, Pct. 2


Joe Jaynes, Commissioner, Pct. 3


Jack Hatchell, Commissioner, Pct. 4

ATTEST:


Helen Starnes, Ex-Officio Clerk
Commissioners' Court
Collin County, T E X A S



Department of Public Services & Operations

August 15, 2001

To: Judge Harris and Commissioners

From: Jeff Durham 

Re: Condemnation of Properties for the Construction of County Roads 48 and 81
1999 Bond Project No. 99-122a

The property owners abutting County Roads 48 and 81 specified on the attached Commissioners Court Order have been offered compensation for their property, which amounts equal or exceed the fair market value of the properties as appraised. These property owners have either declined or have been unresponsive to the County's offer for compensation.

The Department of Public Services and Operations requests Commissioners Court's authorization to institute condemnation proceedings for acquisition of the remaining right-of-way needed to construct County Roads 48 and 81.

I will be available to answer any questions you might have concerning this matter.

xc: Bob Lindberg

COMMISSIONERS COURT OF COLLIN COUNTY, TEXAS

MINUTE ORDER

**AN ORDER PROVIDING FOR THE ACQUISITION OF RIGHT OF WAY
FOR THE IMPROVEMENT OF COUNTY ROAD 48 AND COUNTY ROAD
81 THROUGH CONDEMNATION PROCEEDINGS IF PURCHASE
NEGOTIATIONS ARE UNSUCCESSFUL.**

WHEREAS, the Commissioners Court of Collin County, Texas has determined that current county needs necessitate the improvement and widening of County Road 48 between Business 289 and State Highway 289 and County Road 81 between State Highway 289 and County Road 80; and

WHEREAS, the County, by and through its agents and attorneys, contacted the following owners of property ("Property Owners") abutting County Road 48 and County Road 81 and offered them compensation for the property, which amounts equal or exceed the fair market values of the properties, as appraised:

County Road 48

Michael C. Perry and Leann B. Perry – Parcel No. 2 1.3827 acres in the John R. Tunney Survey, Abstract No. 916, being a part of 40.44 acres, more or less, as described in File No. 93-0104760 of the deed records, Collin County, Texas. Offered \$38,479. which equals the appraised value of \$38,479.

Jeff M. Templeton, Trustee – Parcel No. 4 2.1222 acres in the Spencer Rice Survey, Abstract No. 787, being a part of 201.558 acres, more or less, as described in File No. 95-0028846 of the deed records, Collin County, Texas. Offered \$63,626. which equals the appraised value of \$63,626.

Karie and Arthur Dalton – Parcel No. 3 0.3113 acres in the John R. Tunney Survey, Abstract No. 916, being a part of 1.986 acres, more or less, as described in File No. 98-0090841 of the deed records, Collin County, Texas. Offered \$11,057. which equals the appraised value of \$11,057.

County Road 81

Richard M. Kendrick, III – Parcel No. 9 and Parcel No. 13 3.7178 acres in the Collin County School Land Survey, Abstract No. 172, being a part of 165.090 acres, more or less, as described in File No. 93-0012851 of the deed records, Collin County, Texas. Offered \$133,882. which equals the appraised value of \$133,882.

Mary E. Robinson – Parcel No. 12 3.3923 acres in the William Butler Survey, Abstract No. 112 and the Elisha Chambers Survey, Abstract No. 179, being a part of 80.00 acres, more or less, as described in Volume 384, Page 450 of the deed records, Collin County, Texas. Offered \$121,641. which equals the appraised value of \$121,641.

WHEREAS, the county made a final offer to the Property Owners; and

WHEREAS, the County has been unable to reach an agreement with the Property Owners, the County's attorney has recommended that the County institute condemnation proceedings to acquire the necessary right of way; and

WHEREAS, the Commissioners Court of Collin County, Texas, has determined that the right of way should be acquired by condemnation, if necessary; and

WHEREAS, the Commissioners Court of Collin County, Texas has authorized its attorney to acquire the right of way through the County's power of eminent domain by instituting condemnation proceedings against the Property Owners described above.

It is, therefore, ORDERED that the law firm of Bickerstaff, Heath, Smiley, Pollan, Kever & McDaniel, L.L.P. ("County Attorney"), continue to negotiate on behalf of the County to purchase the right of way property from the Property Owners described above and to immediately institute condemnation proceedings to acquire the Property.

PASSED AND APPROVED this ____ day of _____, 2001.

County Judge Ron Harris

Commissioner Phyllis Cole, Precinct 1

Commissioner Jerry Hoagland, Precinct 2

Commissioner Joe Jaynes, Precinct 3

Commissioner Jack Hatchell, Precinct 4

Exhibit "A"

